



Application no. 10/827,061

IFW

December 16, 2005

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Art Unit 2821 - Examiner Tran, Chuc

FROM: George O. Saile, Reg. No. 19,572
28 Davis Avenue
Poughkeepsie, N.Y. 12603

SUBJECT: Serial #: 10/827,061
File Date: 04/19/2004
Inventor: Thomas Aisenbrey
Examiner: Tran, Chuc
Art Unit: 2821
Title: Low Cost Resonator using Conductive Plastics or Conductive Composites

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Restriction Requirement in the Office Action dated Nov. 16, 2005. In that office action, restriction was required to one of the following Inventions under

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents P.O. Box 1450, Alexandria, VA 22313-1450 on Dec. 16, 2005.

Signature 
Stephen B. Ackerman, Reg. No. 37,761

Date: Dec. 16, 2005

35 U.S.C. 121:

The inventions stated are:

I - Claims 1-29 and 52-66, drawn to an LC tunable resonator device, classified in class 331, subclass 17,59, and

II - Claims 30-51, drawn to an antenna using conductive composites, classified in class 343, subclass 873,713,700 MS.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group I - Claims 1-29 and 52-66 drawn to a device classified in Class 331, subclass 17,59. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction in the Office Action.

The Examiner states that Inventions I and II are related as combination and subcombination, and gives as the reasons for distinctness that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. (M.P.E.P. § 806.05(c)). However, upon reading the Invention II Claims against the Claims of Invention I, it can be seen that Invention II is drawn to an "LC tunable resonator device", while

Invention I is also drawn to a "LC tunable resonator device". As such, the field of search must necessarily cover both the Group I class/subclass 333/17,59 and the Group II class/subclass 343/873,713,700 MS, in addition to other related Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "the subcombination has separate utility such as a composite antenna in any electronic system containing wireless links that merely controls the electromagnetic energy created by the LC resonator circuit or the like" is speculative and has nothing to do with the Claims as presented in this patent application.

Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of additional Patent Applications upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement, and allowance of the present Patent Application, is respectfully requested.

It is requested that should there be any problems with this response, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,



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